
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

ISAIAS CORTEZ-VILLANUEVA,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION
AND ORDER**

Case No. 1:07CV156 DAK

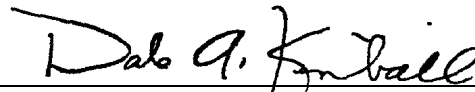
This matter is before the court on Petitioner Isaias Cortez-Villanueva's Motion pursuant to 28 U.S.C. § 2255 to vacate and correct his sentence. On September 23, 2005, Petitioner pled guilty to Reentry of a Previously Removed Alien, a violation of 8 U.S.C. § 1326. On January 3, 2006, Petitioner was sentenced to 57 months imprisonment, followed by 24 months of supervised release.

On January 12, 2006, Petitioner filed a Notice of Appeal, and his appeal is still pending at the Tenth Circuit. This court will not consider his 2255 Petition because "[a]bsent extraordinary circumstances, the orderly administration of criminal justice precludes a district court from considering a § 2255 motion while review of the direct appeal is still pending." *United States v. Cook*, 997 F.2d 1312, 1319 (10th Cir.1993).

Accordingly, this Petition is DISMISSED without prejudice to renew, if appropriate, within one year after the conclusion of his direct appeal. This case is now closed.

DATED this 16th day of November, 2007.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge